

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

By this Amendment, Claim 2 has been cancelled without prejudice or disclaimer, with its features added to independent Claim 1. In addition, each of the claims has been amended for clarity. Accordingly, Claims 1 and 3-22 are pending, with Claims 1, 10, and 20 being independent.

Claims 1-5 and 8-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Miao; Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miao in view of Chen; and Claims 7 and 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miao in view of Strawn.

Without acceding to the rejection, independent Claim 1, which now includes the features of Claim 2, recites that the packet delay variance measurement includes monitoring, for the at least one period of time, a buffer depth of the buffer, wherein the buffer depth is a temporal measurement of a delay that a data packet encounters from when the data packet is received by the buffer to when the data packet is serialized.

Miao apparently fails to teach or suggest the foregoing feature of Claim 1. Specifically, Miao does not monitor a

buffer depth, with buffer depth being recited as particularly set forth in Claim 1. Instead, Maio sets an initial buffer delay for a buffer, and then updates the buffer delay. See Maio, col. 4, lines 24-35. To update the buffer delay, an additional buffer delay t_a to be assigned to each packet is calculated as the difference between an optimal delay t_{ed} and the actual network delay t_n experienced by a packet. *Id.*, col. 6, lines 27-32. Maio's setting and updating of a buffer delay do not constitute a monitoring of a buffer delay. Therefore, Maio fails to teach or suggest monitoring, for the at least one period of time, a buffer depth of the buffer, wherein the buffer depth is a temporal measurement of a delay that a data packet encounters from when the data packet is received by the buffer to when the data packet is serialized, as recited in Claim 1.

Applicant respectfully traverses the rejection of Claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Miao in view of Strawn. Independent method Claims 10 and 20 respectively recite steps of "measuring buffer depth over a period of time" and "periodically measuring buffer depth." Maio's setting and updating of a buffer delay also do not constitute a measuring of a buffer depth. Accordingly, Maio fails to

teach or suggest at least the respective features of Claims 10 and 20 noted above.

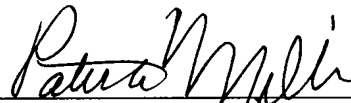
The Strawn and Chen references, which were applied as secondary references, also fail to teach or suggest the foregoing features of independent Claims 1, 10, and 20. Accordingly, independent Claims 1, 10, and 20 distinguish patentably over the collective teachings of Miao, Chen, and Strawn. The dependent claims are allowable at least based on their respective dependence from the independent claims.

A Notice of Allowance is respectfully solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (A-10046) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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